

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	
CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
	:	11 Civ. 5845 (LTS)(JCF)
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	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff-Intervenor,	:	
	:	
- against -	:	
	:	
CITY OF NEW YORK and NEW YORK CITY	:	
DEPARTMENT OF CORRECTION,	:	
	:	
Defendants.	:	
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**DECLARATION OF COMMISSIONER LOUIS MOLINA
FOR THE NEW YORK CITY DEPARTMENT OF CORRECTION**

LOUIS MOLINA for his declaration pursuant to 28 U.S.C. §1746,

declares under penalty of perjury that the following is true and correct.

1. I am the Commissioner of the New York City Department of Correction (“the Department” or “DOC”) and I submit this declaration in support of the Parties’ proposed Order on Facility Supervisors (“proposed Order”) submitted by the City of New York on November 30, 2022 (Dkt. 485).
2. I have read the Declaration submitted by Kimberly Joyce for the City of New York on November 30, 2022 in support of the Proposed Order on Facility Supervisors and it is a true and accurate statement of the facts and the steps taken to date that have led the Department to seek the requested relief (Dkt. 485, ¶¶ 8-13).

3. Given the existing legal structures and statutory impediments, I am currently unable to post and recruit for facility leadership positions as conceived by the Monitor's recommendation to expand facility leadership. (*See* Status letter to the Court dated September 23, 2021 (Dkt. 387), Eleventh Monitor's Report at pg. 15 (Dkt. 368), and Twelfth Monitor's Report at pgs. 13 (Dkt. 431)). The Department attempted to create a supervisory structure that would work within the framework of state and local laws but the alternative structure was unsuccessful, and candidates recruited were either not viable or did not want to work under the alternative dual supervisory structure. I am unaware of any other alternative, other than the immediate relief requested, that will allow the Department to expand the potential pool of facility leaders.

Executed on December __2__, 2022.

A handwritten signature in blue ink, appearing to read 'Louis Molina', is positioned above a horizontal line.

Louis Molina
Commissioner